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TRAINING AND ASSISTANCE

Note by the Secretariat

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INTRODUCTION

1. The Commission, at its twentieth session in 1987, decided that increased emphasis should be given both to training and assistance and to the promotion of the legal texts prepared by the Commission especially in developing countries. It was recognized that the holding of seminars and symposia in developing countries would make countries in those regions conscious of UNCITRAL legal texts and thereby promote and inspire the adoption of the texts. Accordingly, it was noted that "training and assistance was an important activity of the Commission and should be given a higher priority than it had in the past". 1/

2. Pursuant to that decision of the Commission, beginning in 1988 the Secretariat has engaged in a more extensive programme of activities than had been previously the case. This note sets out activities of the Secretariat in respect of training and assistance subsequent to the twenty-third session of the Commission (1990) as well as possible future activities.

I. INTERNATIONAL REGIONAL SEMINARS

A. Seminars on the Hamburg Rules
(COCATRAM, 3 to 13 September 1990)

3. A series of seminars was organized by the Comisión Centroamericana de Transporte Marítimo (COCATRAM) in the member States of COCATRAM (Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica) on the United Nations Convention on the Carriage of Goods by Sea, 1978 (the Hamburg Rules). The seminars were co-sponsored by the Commission's Secretariat. Lectures were given by a member of the Secretariat and a professor from Chile. Since Chile has ratified the Convention and has incorporated it into its domestic law with current application, the lecturer from Chile was able to speak from experience and assure the audience that the Convention works well in practice.

4. At the seminars held in Costa Rica and Honduras the participants requested that a meeting of experts from the five Central American republics be organized so that they might consider together the action that might be taken in regard to the Hamburg Rules. COCATRAM organized the meeting in Puerto Cortés, Honduras, on 18 and 19 March 1991. Fourteen experts from Costa Rica, El Salvador, Guatemala and Nicaragua attended the meeting in addition to approximately twenty participants from Honduras. A member of the Commission's Secretariat also participated. At the close of the meeting the participants adopted a "Declaration of Puerto Cortés" in which it was stated that it was necessary for the Central American countries to exert a strong effort to bring the Hamburg Rules into force by their ratification, adhesion and incorporation into their internal legal orders. The Declaration also calls on COCATRAM to bring the Declaration to the attention of the next Meeting of Central American Ministers responsible for transport and to request their support for the ratification of the Convention by the five Central American States in the shortest time possible.

1/ Report of the United Nations Commission on International Trade Law on the work of its twentieth session, Official Records of the General Assembly, Forty-second Session, Supplement No. 17 (A/42/17), paras. 334 and 340.

B. UNCITRAL regional seminar on international trade law
(Douala, Cameroon, 14 to 18 January 1991)

5. As announced to the twenty-third session of the Commission (1990) (A/45/17, para. 56), a regional seminar on international trade law was held in Douala, Cameroon, from 14 to 18 January 1991. The seminar was organized for the Francophone States of North and West Africa with the collaboration of the Government of Cameroon. The seminar was open to participants from Algeria, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Gabon, Guinea, Mali, Mauritania, Morocco, Niger, Senegal, Togo, Tunisia and Zaire.

6. The purpose of the seminar was to acquaint decision makers in the States concerned with UNCITRAL as an institution and with the legal texts that have emanated from its work and to promote the adoption and use of those texts. Governments from Francophone African States were invited to nominate three participants. Approximately 50 participants attended the seminar, plus a number of observers from Cameroon. Participants were principally from the Ministry of Foreign Affairs, Ministry of Justice, Ministry of Trade, Chamber of Commerce and Industry, and the University. They were of such a level that they could be expected to participate in any decision whether their Government should adopt the conventions and other legal texts prepared by the Commission.

7. The seminar was conducted in French. Lectures were given by two members of the Secretariat and by one current and one former representative to the Commission.

C. Seminar on international trade law
(Quito, Ecuador, 19 to 21 February 1991)

8. A subregional seminar on international trade law was held in Quito, Ecuador, from 19 to 21 February 1991. The seminar was organized by the Andean Pact (Colombia, Ecuador, Bolivia, Peru and Venezuela) and the Andean Federation of Users of Transport Services and co-sponsored by the UNCITRAL Secretariat.

9. While the seminar covered the full range of activities of the Commission, the work of UNCITRAL in the area of international transport law was the topic of greatest interest to the seminar. The export oriented sectors in the Andean Region are particularly interested in reducing the transport costs of their merchandise. In collaboration with the Commission of the Andean Pact they are engaged in a wide-ranging programme of activities. Much of the work has to do with improving the physical transport infrastructure. However, a significant portion of their programme of work is the adoption of the Hamburg Rules and the United Nations Convention on the Multimodal Carriage of Goods prepared by UNCTAD. The Government of Ecuador is expected to ratify the two Conventions in the near future. The United Nations Convention on Contracts for the International Sale of Goods has also been submitted to Congress in Ecuador for adoption.

10. One of the purposes of the seminar was to inform the private sector in the Andean region of the importance of the conventions. As a result, there was a large representation of participants from the private sector. Lectures were given in Spanish by a member of the Secretariat, one representative to the Commission and one professor who had spent an internship with the Secretariat in 1985.

D. Fourth UNCITRAL Symposium on International Trade Law
(Vienna, 17 to 21 June 1991)

11. As announced to the twenty-second session of the Commission (A/44/17, para. 283), the Secretariat has organized the Fourth UNCITRAL Symposium on International Trade Law to be held on the occasion of the twenty-fourth session of the Commission (Vienna, 10 to 28 June 1991). The Symposium is designed to acquaint young lawyers with UNCITRAL as an institution and with the legal texts that have emanated from its work.

12. As was the case at the Third Symposium in 1989, lecturers have been invited primarily from representatives to the twenty-fourth session and from members of the Secretariat. In order to save on the costs of interpretation and to be able to increase the communication between participants themselves, the Symposium is being held only in English. It is expected that the Fifth Symposium, which is planned for 1993, will be held either in French or in Spanish.

13. The travel costs of approximately thirty-five participants at the Symposium are being paid from the UNCITRAL Symposium Trust Fund. In addition, a number of individuals whose travel costs are not being paid from the Trust Fund are being invited to attend. While the number of such participants is not known with precision at the present time, it is expected to equal the number of those whose travel costs are being paid.

E. Other seminars, conferences, courses or professional meetings

14. Members of the Secretariat of the Commission have attended or have participated as speakers in other seminars, conferences or professional meetings where UNCITRAL legal texts were presented for examination and discussion. The UNCITRAL secretariat was represented at the following seminars, conferences, courses or professional meetings: (i) Lecturing at the International Development Law Institute (IDLI) (Rome, 7-9 May 1990); (ii) Consultations with German Lawyers (Cologne, 24-25 May 1990) and Participation in ICCA Arbitration Congress (Stockholm, 27-31 May 1990); (iii) Lecturing at Arbitration Seminar (Dallas, 20-23 June 1990); (iv) Attendance International Maritime Committee Congress (Paris, 24-30 June 1990); (v) Lecturing at UNITAR Fellowship Programme (The Hague, 7-10 August 1990); (vi) Lecturing at Symposium on the United Nations Sales Convention (Berne, 18-19 October 1990); (vii) Participation in Arbitrators' Symposium of London Court of International Arbitration (London, 26-28 October 1990); (viii) Lecturing at Seminar on International Commercial Arbitration (Abuja, Nigeria, 19-23 November 1990); (ix) Participation in Co-ordination Meeting TEDIS DG XIII, Commission of the European Communities (Brussels, 12 December 1990) and in the joint Working Group on Legal and Commercial Aspects of Electronic Data Interchange (EDI), Commission on International Commercial Practice, ICC (Paris, 14 December 1990); (x) Lecturing at the Conference on Electronic Data Interchange and the Law (Washington, 26-28 February 1991); (xi) Participation in the Session of ICC Commissions on International Commercial Practice and on Banking Techniques and Practice (Paris, 23-24 April 1991); (xii) Attendance Thirtieth Session of the Asian-African Legal Consultative Committee (AALCC) (Cairo, 22-27 April 1991); (xiii) Lecturing at International Development Law Institute (IDLI) (Rome, 7-9 May 1991).

II. FUTURE ACTIVITIES

A. Seminar in Suva, Fiji

15. As announced to the twenty-third session of the Commission (1990) (A/45/17, para. 56), a seminar will be organized in cooperation with the South Pacific Forum in Suva, Fiji. The seminar is planned for 21 to 25 October 1991. The South Pacific Forum is an organization grouping the island States of the South Pacific. The seminar is being coordinated with the annual Australian Trade Law Seminar, which will be held this year on 18 and 19 October 1991.

B. Tentative plans for country seminars

16. The seminars and symposia that bring one to three participants from each of a number of States to a central location have been an efficient way to make the work of the Commission known in a large number of States. In addition to the knowledge gained by the participants themselves, the seminars and symposia have been an effective means to distribute the texts of the conventions and other legal instruments prepared by the Commission in the countries concerned. In some cases the participants have been in a position to encourage their Governments to adopt one or more of the conventions. Therefore, the Secretariat believes that it is important to continue to hold such seminars in the future, particularly in regard to groups of States that have not yet been the focus of a regional seminar. The Secretariat is engaging in consultations for the planning of such future seminars.

17. In addition, the Secretariat plans to increase the programme of specific country seminars. It may be recalled that a seminar was held in Conakry, Guinea from 27 to 29 March 1990 for participants from Guinea. It is gratifying to note that on 23 January 1991 Guinea deposited its instrument of accession to five conventions that had been the subject of the seminar, i.e., Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958); Convention on the Limitation Period in the International Sale of Goods (New York, 1974) and its 1980 amending Protocol; United Nations Convention on Contracts for the International Sale of Goods (Vienna, 1980), United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules) and the United Nations Convention on International Bills of Exchange and International Promissory Notes (New York, 1988).

18. It is also noteworthy that Lesotho, where the first regional seminar was held, has subsequently acceded to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards and the Hamburg Rules, in addition to having been the first State to accede to the Sales Convention. Finally, the seminars held in the five Central American States appear to have generated more interest than might have been the case if there had been only one seminar for participants from all five countries at the same time.

19. Such a difference in result might be explainable by the fact that the decision to host a seminar on the work of the Commission already shows a significant level of interest in the country concerned. Another factor that appears to be present is that a larger number of participants are able to attend from that country. Since adoption of a convention prepared by the Commission often requires the support of the business sectors concerned and the approval of several different ministries, a seminar held in one country is more likely to bring awareness of the texts to the attention of all the relevant individuals and organizations.

20. Experience has shown that a country seminar is relatively cost-effective from a financial point of view, since the only expense is normally the travel cost of the lecturers. However, country seminars require a significantly greater expenditure of time for each country where a seminar is held than do regional seminars. Therefore, an appropriate balance between regional seminars and country seminars will depend to some degree on the balance between the financial resources available to the Secretariat and the amount of time that can be devoted to the organization and holding of such seminars. One means to accommodate both concerns is to arrange a series of country seminars in the same region, as was done in Central America in respect of the Hamburg Rules. The Secretariat expects to make such arrangements during the coming year and to report to the Commission on the results at the twenty-fifth session.

C. Maintaining contact with seminar participants

21. Periodically the Secretariat sends a letter to alumni of the regional seminars and symposia designed to keep them informed of developments in the work of the Commission. Response to the letters indicates that they are well received and that they serve an important role in maintaining contact with the seminar participants.

III. INTERNSHIP PROGRAMME

22. The programme is designed to enable persons who have recently obtained a law degree, or who have nearly completed their work towards such a degree, to serve as interns in the Commission's Secretariat for a period that is normally about three months. Interns are assigned specific tasks in connection with projects being worked on by the Secretariat. Persons participating in the programme are able to become familiar with the work of UNCITRAL and to increase their knowledge of specific areas in the field of international trade law. Unfortunately, no funds are available to the Secretariat to assist the interns to cover their travel and other expenses. The interns are often sponsored by an organization, university or a governmental agency, or they cover their expenses from their own means. During the past year the Secretariat has received eight interns.

IV. FINANCIAL AND ADMINISTRATIVE CONSIDERATIONS

23. The continuation and further expansion, of the programme of training and assistance depends on the continued availability of sufficient financial resources. Since resources for the travel expenses of participants at seminars and symposia are not available from the regular budget, they have to be met by voluntary contributions to the UNCITRAL Symposium Trust Fund. Specific contributions were received from Canada, France and Luxembourg for the seminar in Douala. Contributions have been received from Austria and Denmark for the Fourth Symposium to be held during the session of the Commission. Australia has indicated that it will contribute to the seminar to be held in Fiji in October 1991.

24. Of particular value have been the contributions made to the UNCITRAL Symposium Trust Fund on a multi-year basis, because they have permitted the Secretariat to plan and finance the programme without the need to solicit funds from potential donors for each individual activity. Such contributions have been received from Finland and Canada. In addition, the annual contribution from Switzerland to the Trust Fund has been available for the seminar program.

25. The Commission may wish to express its appreciation to those States and organizations that have contributed to the Commission's programme of training and assistance by the contribution of funds or staff or by the hosting of seminars. The Commission may also wish to request the Secretariat to continue its efforts to secure the financial, personnel and administrative support necessary to place the programme on a firm and continuing basis.